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Counsel for Defendant Meta Platforms, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
corporation;

Defendant.

Case No. 3:23-cv-03417-VC-TSH

**DECLARATION OF KATHLEEN HARTNETT
IN SUPPORT OF RESPONSE TO MOTION FOR
RELIEF FROM NONDISPOSITIVE PRETRIAL
ORDER OF MAGISTRATE JUDGE (DKT. 125)**

Trial Date: None
Date Action Filed: July 7, 2023

1 I, Kathleen Hartnett, declare:

2 1. I am a Partner at the law firm of Cooley LLP and counsel to Meta Platforms, Inc. in
3 the above-referenced matter. I have personal knowledge of the facts contained in this Declaration
4 and, if called as a witness, could competently testify to them under oath.


5 2. On August 22, 2024, Magistrate Judge Hixson issued a Discovery Order
6 (“Discovery Order”), which found that certain communications between former Meta employee
7 Tim Dettmers and members of EleutherAI that took place on Discord (the “Subject
8 Communications”) were privileged and that Meta had not waived the privilege. Judge Hixson
9 further ordered that Plaintiffs cannot use the Subject Communications and must return them to Meta
10 or destroy them.

11 3. On August 23, 2024, I sent a letter to LinkedIn, enclosing the Discovery Order and
12 requesting that LinkedIn remove content posted by an individual located outside the United States
13 on LinkedIn that attach screenshots of the Subject Communications (the “LinkedIn Content”).

14 4. On September 11, 2024, I received a response from in-house counsel at LinkedIn
15 informing me that her internal team decided not to remove the LinkedIn Content, as the Discovery
16 Order was not directed at LinkedIn and the content does not otherwise violate LinkedIn’s content
17 policies. LinkedIn’s counsel suggested that Meta contact the individual who posted the content
18 directly to remove the content.

19 5. Attached hereto as **Exhibit A** is an excerpt from the transcript of the August 22,
20 2024 hearing before Magistrate Judge Hixson, which immediately preceded the Discovery Order.
21 Relevant portions of the transcript have been highlighted for the Court’s ease of reference.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
23 4th day of October 2024 at Oakland, California.

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25 
26 Kathleen Hartnett

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